

**Nos. 23-10151 & 23-10171**

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**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

HAVANA DOCKS CORPORATION,  
*Plaintiff-Appellee,*

v.

ROYAL CARIBBEAN CRUISES, LTD.; NORWEGIAN CRUISE LINE HOLDINGS LTD.;  
CARNIVAL CORPORATION, a foreign corporation doing business as Carnival Cruise  
Lines; MSC CRUISES S.A. Co.; MSC CRUISES (USA), INC., et al.,  
*Defendants-Appellants.*

On Appeal from the United States District Court for the  
Southern District of Florida,  
No. 19-cv-23591, No. 19-cv-23590

**JOINT OPPOSITION TO HDC'S MOTION FOR ORDER GRANTING OR  
CONFIRMING THE DISTRICT COURT'S DISCRETION TO ADDRESS  
ON REMAND COSTS TAXABLE IN THE DISTRICT COURT UNDER  
FEDERAL RULE OF APPELLATE PROCEDURE 39(e) BY  
DEFENDANTS-APPELLANTS**

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January 7, 2025

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MSC Cruises S.A. Co., MSC Cruises  
(USA), Inc., and MSC Cruises, S.A.*

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Pursuant to Circuit Rule 26.1, Defendant-Appellant Norwegian Cruise Line Holdings Ltd. (“Norwegian”), Defendant-Appellant Royal Caribbean Cruises, Ltd. (“Royal Caribbean”), Defendants-Appellants MSC Cruises S.A. Co., MSC Cruises (USA), Inc., and MSC Cruises, S.A. (collectively, “MSC”), and Defendant-Appellant Carnival Corporation (“Carnival”), hereby certify that the following is a complete list of the trial judge and all attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this particular case on appeal.

1. 1972 Productions, Inc.
2. A.C.N. 098 290 834 Pty. Ltd.
3. A.J. Juneau Dock, LLC
4. Admiral Management Inc.
5. Adventure Island Ltd.
6. Adventure of the Seas Inc.
7. AIDA Kundencenter GmbH
8. AIDARadio GmbH
9. Air-Sea Holiday GmbH
10. Akerman LLP
11. Alaska Hotel Properties LLC

12. Allure of the Seas Inc.
13. American Society of Travel Advisors, Inc., *Amicus Curiae*
14. Anthem of the Seas Inc.
15. Arrasas Limited
16. Balmori, Daniel (Hogan Lovells US LLP)
17. Barcelona Cruise Terminal SLU
18. Bash III, John F. (Quinn Emanuel Urquhart & Sullivan, LLP)
19. Bay Island Cruise Port, S.A.
20. Behn, Aphra
21. Behn, Mickael
22. Behn-Lucain, Melanie
23. Belize Cruise Terminal Limited
24. Belize Investments Limited
25. Belize Island Holdings Ltd.
26. Bermuda Tenders, Ltd.
27. Black, Hillary S. (Paul, Weiss, Rifkind, Wharton & Garrison LLP)
28. Bloom, Judge Beth F. (United States District Judge for the Southern  
District of Florida)
29. Bluvacanze Spa
30. Bohrer, Sanford L.

31. Boies Schiller Flexner LLP
32. Bondi, Bradley J., Counsel for Amici Curiae U.S. Travel Association, United States Tour Operators Association, Inc., and American Society of Travel Advisors, Inc.
33. Breakaway Four, Ltd.
34. Breakaway One, Ltd.
35. Breakaway Three, Ltd.
36. Breakaway Two, Ltd.
37. Brilliance of the Seas Shipping Inc.
38. Buffett, Warren E.
39. Burck, William A. (Quinn Emanuel Urquhart & Sullivan, LLP)
40. Caluda, Nicholas J. (Quinn Emanuel Urquhart & Sullivan, LLP)
41. Canodros CL
42. Carnival (UK) Limited
43. Carnival Bahamas FC Limited Bahamas
44. Carnival Bahamas Holdings Limited
45. Carnival Corporation (CCL), a foreign corporation doing business a Carnival Cruise Line
46. Carnival Corporation & plc Asia Pte. Ltd.

47. Carnival Corporation Hong Kong Limited Carnival Corporation Korea Ltd.
48. Carnival Corporation Ports Group Japan KK
49. Carnival Finance, LLC
50. Carnival Grand Bahama Investment Limited
51. Carnival Holdings (Bermuda) Limited
52. Carnival Investments Limited
53. Carnival Japan, Inc.
54. Carnival License Holdings Limited
55. Carnival Maritime GmbH
56. Carnival North America LLC
57. Carnival PLC
58. Carnival Port Holdings Limited
59. Carnival Ports Inc.
60. Carnival Support Services India Private Limited
61. Carnival Technical Services (UK) Limited
62. Carnival Technical Services Finland Limited
63. Carnival Technical Services GmbH
64. Carnival Vanuatu Limited
65. Casey, Stephanie A. (Colson Hicks Eidson, P.A.)

66. CC U.S. Ventures, Inc.
67. CCL Gifts, LLC
68. Celebrity Apex Inc.
69. Celebrity Cruise Lines Inc.
70. Celebrity Cruises Holdings Inc.
71. Celebrity Cruises Inc. (d/b/a Celebrity Cruises Liberia)
72. Celebrity Eclipse Inc.
73. Celebrity Edge Inc.
74. Celebrity Equinox Inc.
75. Celebrity Reflection Inc.
76. Celebrity Silhouette Inc.
77. Celebrity Solstice Inc.
78. Chamber of Commerce of the United States of America, *Amicus Curiae*
79. Cisalpina Tours Spa Classic Cruises, LLC Classic Cruises II, LLC
80. Clement & Murphy, PLLC
81. Clement, Paul D. (Clement & Murphy, PLLC)
82. CNS Compañía Naviera Seaside 1 SA
83. Colson Hicks Eidson, P.A.
84. Compañía Naviera Evo 1 SA
85. Compañía Naviera Evo 2 SA

86. Compañia Naviera Fantasia SA
87. Compañia Naviera Meraviglia SA
88. Compañia Naviera Musica SA
89. Compania Naviera Ocean Cay SA
90. Compañia Naviera Orchestra SA
91. Compañia Naviera Pacifica S.A.
92. Compañia Naviera Preziosa SA
93. Compañia Naviera Seaside 2 SA
94. Compañia Naviera Serenata SA
95. Compañia Naviera Vista 1 SA
96. Compañia Naviera Vista 2 SA
97. Compañia Naviera Vista 3 SA
98. Compañia Naviera Vista 4 SA
99. Compañia Naviera Vista 5 SA
100. Compañia Naviera World Class 1 SA
101. Compañia Naviera World Class 2 SA
102. Compañia Naviera World Class 3 SA
103. Compañia Naviera World Class 4 SA
104. Compañia Naviera Yc1 SA
105. Compañia Naviera Yc2 SA



106. Compañia Naviera Yc3 SA
107. Compañia Naviera Yc4 SA
108. Compañia Naviera Yc5 SA
109. Compañia Naviera Yc6 SA
110. Constellation Inc. Liberia
111. Cooke, Judge Marcia G. (United States District Judge for the Southern District of Florida)
112. Cooper, Jonathan G. (Quinn Emanuel Urquhart & Sullivan, LLP)
113. Costa Crociere PTE Ltd.
114. Costa Crociere S.p.A.
115. Costa Cruceros S.A.
116. Costa Cruise Lines Inc.
117. Costa Cruise Lines UK Limited
118. Costa Cruises Customer Center S.L.U.
119. Costa Cruises Shipping Services (Shanghai) Company Limited
120. Costa Cruises Travel Agency (Shanghai) Co., Ltd.
121. Costa Cruises Turkey Turizm Gelisim A.S.
122. Costa Cruzeiros Agencia Maritima e Turismo Ltda.
123. Costa International B.V.
124. Costa Kreuzfahrten GmbH

125. Cozumel Cruise Terminal S.A. de C.V.
126. Cruise Administration Services, Inc.
127. Cruise Conglomerate Maritime Ltd.
128. Cruise Lines International Association, Inc., *Amicus Curiae*
129. Cruise Quality Travel Spain SL
130. Cruise Ships Catering & Services International N.V.
131. Cruise Terminal Services, S.A. de C.V.
132. Cruiseport Curacao C.V.
133. CSMART Real Estate B.V.
134. CSMART Real Estate C.V.
135. D.R. Cruise Port, Ltd.
136. Dvoretzky, Shay, Counsel for Amicus Curiae Cruise Lines International  
Association
137. Elayan-Martinez, Aziza F. (Colson Hicks Eidson, P.A.)
138. Ellis George Cipollone O'Brien Annaguey, LLP
139. Enchantment of the Seas Inc.
140. Eurosoft Corporation Limited
141. Eurosoft Cruise Line (Shanghai) Co., Ltd.
142. Explora SA
143. Explorer II New Build, LLC

144. Explorer III New Build, LLC
145. Explorer New Build, LLC
146. Explorer of the Seas Inc.
147. F.P.M. SAS
148. F.P.P. SAS
149. Fields, Lazaro (Continental PLLC)
150. Fisk, Daniel, *Amicus Curiae*
151. Fleet Maritime Services (Bermuda) Limited
152. Fleet Maritime Services Holdings (Bermuda) Limited
153. Fleet Maritime Services International Limited
154. Foreman Friedman, PA
155. Fowler III, George J (Jones Walker LLP)
156. Freedom of the Seas Inc.
157. Freyre, Pedro A. (Akerman LLP)
158. Friedman, Darren Wayne (Foreman Friendman)
159. Future Investments, Ltd.
160. Gayles, Judge Darrin P. (United States District Judge for the Southern  
District of Florida)
161. GG Operations Inc.
162. Gibbs, Inc.

163. Global Experience Innovators, Inc.
164. Global Fine Arts, Inc.
165. Global Fleet Management LLC
166. Global Fleet Management Two LLC
167. Global Shipping Service (Shanghai) Co., Ltd.
168. Going Srl
169. Goodman, Judge Jonathan (United States Magistrate Judge for the  
Southern District of Florida)
170. Goulette Cruise Holding Limited
171. Grand Cruise Shipping Unipessoal Lda
172. Grand Turk Cruise Center Ltd.
173. Grandeur of the Seas Inc.
174. Gray, Corey P. (Boies Schiller Flexner LLP)
175. Great Stirrup Cay Limited
176. Greensboro S.L.
177. Gwart Srl
178. GXI, LLC D
179. HAL Antillen N.V.
180. HAL Beheer B.V.
181. HAL Maritime Ltd.

182. HAL Nederland N.V.
183. HAL Properties Limited
184. HAL Services B.V.
185. Harmony of the Seas Inc.
186. Harper, Chadwick (Clement & Murphy, PLLC)
187. Harvard Law School
188. Havana Docks Corporation
189. Hernacki, Andrew T. (Venable LLP)
190. Hoch, Dorothy
191. Hogan Lovells US LLP
192. Holding Division Iberocruceros SLU
193. Holland & Knight LLP
194. Holland America Line Inc.
195. Holland America Line N.V.
196. Holland America Line U.S.A., Inc.
197. Hospedagm De Pomene (Mozambique) Lda
198. HSE Hamburg School of Entertainment GmbH
199. Ibero Cruzeiros Ltda.
200. Iberocruceros SLU
201. Independence of the Seas Inc.

202. Infinity Inc.
203. Information Assistance Corporation
204. Insignia Vessel Acquisition, LLC
205. International Cruise Services, S.A. de C.V.
206. International Leisure Travel Inc.
207. International Maritime Recruitment Agency, S.A. de C.V.
208. Island for Science, Inc.
209. Islas Galapagos Turismo y Vapores CA
210. Jewel of the Seas Inc.
211. Jiménez, Marcos Daniel, Counsel for Amicus Curiae Daniel Fisk
212. Johnson, Jerry M.
213. Jones Day, Counsel for Amicus Curiae Peter Kucik
214. Jones Walker LLP
215. Kats, Vitaliy, Counsel for Amici Curiae U.S. Travel Association, United States Tour Operators Association, Inc., and American Society of Travel Advisors, Inc
216. Klinger, Richard D. (Ellis George Cipollone O'Brien Annaguey, LLP)
217. Kroeger, Thomas (Colson Hicks Eidson, P.A.)
218. Krystalsea Limited
219. Kucik, Peter, *Amicus Curiae*

- 220. Kwazulu Cruise Terminal (Pty) Ltd.
- 221. Labadee Investments Ltd.
- 222. Landau, Christopher (Ellis George Cipollone O'Brien Annaguey, LLP)
- 223. Leonardo Five, Ltd.
- 224. Leonardo Four, Ltd.
- 225. Leonardo One, Ltd
- 226. Leonardo Six, Ltd.
- 227. Leonardo Three, Ltd.
- 228. Leonardo Two, Ltd.
- 229. León Cosgrove Jiménez, LLP, Counsel for Amicus Curiae Daniel Fisk
- 230. Li, Vincent (Ellis George Cipollone O'Brien Annaguey, LLP)
- 231. Liberia
- 232. Liberty of the Seas Inc.
- 233. Lindsay III, Alvin Francis (Hogan Lovells US LLP)
- 234. Lioi, Samuel V., Counsel for Amicus Curiae Peter Kucik
- 235. Lipshultz, Zachary A. (Colson Hicks Eidson, P.A.)
- 236. Lipshutz, Brian M. (Paul, Weiss, Rifkind, Wharton & Garrison LLP)
- 237. Llamas, Luis E. (Jones Walker LLP)
- 238. Loeb, Robert (Orrick, Herrington & Sutcliffe LLP)
- 239. Lorenzo, Richard C. (Hogan Lovells US LLP)

- 240. Louis, Judge Lauren Fleischer (United States Magistrate Judge for the Southern District of Florida)
- 241. Lutz, Zachary P. (Quinn Emanuel Urquhart & Sullivan, LLP)
- 242. MacArthur Trust
- 243. Maderal, Francisco
- 244. Manhas, Robbie (Orrick, Herrington & Sutcliffe LLP)
- 245. Marcus, Steven, Counsel for Amicus Curiae Cruise Lines International Association
- 246. Margol & Margol, P.A.
- 247. Margol, Rodney S. (Margol & Margol, P.A.)
- 248. Marina New Build, LLC
- 249. Mariner of the Seas Inc.
- 250. Mariner, LLC
- 251. Marseille Provence Cruise Terminal SAS
- 252. Martinez, Judge Jose E. (United States District Judge for the Southern District of Florida)
- 253. Martínez, Roberto (Colson Hicks Eidson, P.A.)
- 254. Massey & Gail LLP
- 255. Massey, Johnathan S. (Massey & Gail LLP)



- 256. Mayer Brown LLP, Counsel for Amicus Curiae Chamber of Commerce of the United States of America
- 257. McAliley, Judge Chris M. (United States Magistrate Judge for the Southern District of Florida)
- 258. Mediterranean Cruises Travel Agency (Shanghai) Co Ltd
- 259. Michel, Christopher G. (Quinn Emanuel Urquhart & Sullivan, LLP)
- 260. Milestone N.V.
- 261. Millennium Inc.
- 262. Moriceau, Alisha (Boies Schiller Flexner LLP)
- 263. MSC Crewing Services Philippines
- 264. MSC Cruceros SA Argentina
- 265. MSC Cruceros SA Spain
- 266. MSC Cruise Management (UK) Ltd
- 267. MSC Cruises (Australia) Pty Ltd
- 268. MSC Cruises (Canada) Ltd
- 269. MSC Cruises (Ireland) Ltd
- 270. MSC Cruises (USA), Inc.
- 271. MSC Cruises Asia Company Ltd.
- 272. MSC Cruises Barcelona Terminal SL
- 273. MSC Cruises Belgium NV

- 274. MSC Cruises Gmbh
- 275. MSC Cruises Japan Ltd
- 276. MSC Cruises Limited UK
- 277. MSC Cruises Ltd Cyprus
- 278. MSC Cruises S.A. Co.
- 279. MSC Cruises Scandinavia AB
- 280. MSC Cruises Ship Management (Shanghai) Ltd.
- 281. MSC Cruises Shipping Service (Shanghai) Ltd.
- 282. MSC Cruises The Netherlands BV
- 283. MSC Cruises, S.A.
- 284. MSC Cruzeiros Do Brasil Ltda
- 285. MSC Cruzeiros SA
- 286. MSC Food & Beverage Division Spa
- 287. MSC Italcatering Do Brasil Ltda
- 288. MSC Kreuzfahrten (Austria) Gmbh
- 289. MSC Kreuzfahrten AG
- 290. MSC Krstarenja Doo
- 291. MSC Kruvaziyer Turizm AS
- 292. MSC Logistics (Mozambique) Ltd.
- 293. Msc Malta Seafarers Company Ltd.

- 294. MSC Mediagrafica Srl
- 295. MSC Miami Cruise Terminal LLC
- 296. MSC Ocean Cay Ltd
- 297. MSC Starlight Cruises Pty Ltd
- 298. Munyan, Katherine (Orrick, Herrington & Sutcliffe LLP)
- 299. Musica Cruise Limited
- 300. Nautica Acquisition, LLC
- 301. Navigator of the Seas Inc.
- 302. Navigator Vessel Company, LLC
- 303. Navitrans S.R.L.
- 304. NCL (Bahamas) Ltd. d/b/a Norwegian Cruise Line
- 305. NCL (Guernsey) Limited
- 306. NCL America Holdings, LLC
- 307. NCL America LLC
- 308. NCL Australia Pty Ltd.
- 309. NCL Construction Corp., Ltd.
- 310. NCL Corporation Ltd.
- 311. NCL Cruises Ltd.
- 312. NCL Emerald Corporation, Limited
- 313. NCL Finance, Ltd.

- 314. NCL HK Holding, Ltd.
- 315. NCL Holding AS
- 316. NCL Hong Kong Limited
- 317. NCL International, Ltd.
- 318. NCL Japan KK
- 319. NCL Singapore Pte. Ltd.
- 320. NCL UK IP CO LTD
- 321. NCL US IP CO 1, LLC
- 322. NCL US IP CO 2, LLC
- 323. NCLC Investments Canada Ltd.
- 324. NCLM Limited
- 325. Nelson, Timothy G., Counsel for Amicus Curiae Cruise Lines  
International Association
- 326. Nemeroff, Justin B. (Venable LLP)
- 327. New Co Armonia SA
- 328. New Co Lirica SA
- 329. New Co Opera SA
- 330. New Co S32 SA
- 331. New Co Sinfonia SA
- 332. Norford, Elizabeth (Paul, Weiss, Rifkind, Wharton & Garrison LLP)

- 333. Norwegian Cardinal Ltd
- 334. Norwegian Compass Ltd.
- 335. Norwegian Cruise Co. Inc.
- 336. Norwegian Cruise Line Agência de Viagens Ltda.
- 337. Norwegian Cruise Line Group Italy S.r.l.
- 338. Norwegian Cruise Line Group UK Limited (formerly Prestige Cruise Services (Europe) Limited)
- 339. Norwegian Cruise Line Holdings, Ltd. (NCLH)
- 340. Norwegian Cruise Line India Private Limited
- 341. Norwegian Dawn Limited
- 342. Norwegian Epic, Ltd.
- 343. Norwegian Gem, Ltd.
- 344. Norwegian Jewel Limited
- 345. Norwegian Pearl, Ltd.
- 346. Norwegian Sextant Ltd.
- 347. Norwegian Sky, Ltd.
- 348. Norwegian Spirit, Ltd.
- 349. Norwegian Star Limited
- 350. Norwegian Sun Limited
- 351. Norwegian USCRA, Ltd.

- 352. Nualy Investments Inc
- 353. O Class Plus One, LLC
- 354. O Class Plus Two, LLC
- 355. Oasis of the Seas Inc.
- 356. Ocean Bahamas Innovation Ltd.
- 357. Ocean Medallion Fulfillment, Ltd.
- 358. Oceanadventures S.A.
- 359. Oceania Cruises S. de R.L. (formerly Oceania Cruises, Inc.)
- 360. OCI Finance Corp.
- 361. Odds On Gaming Corporation
- 362. Odyssey of the Seas Inc.
- 363. Oliu, Pascual A. (Boies Schiller Flexner LLP)
- 364. Operadora Catalina S.r.L.
- 365. Orrick, Herrington & Sutcliffe LLP
- 366. Otazo-Reyes, Judge Alicia M. (United States Magistrate Judge for the  
Southern District of Florida)
- 367. Ovation of the Seas Inc.
- 368. Paul Hastings, LLP, Counsel for Amici Curiae U.S. Travel Association,  
United States Tour Operators Association, Inc., and American Society  
of Travel Advisors, Inc.

- 369. P&O Princess American Holdings
- 370. P&O Princess Cruises International Limited
- 371. P&O Princess Cruises Pension Trustee Limited
- 372. P&O Properties (California), Inc.
- 373. P&O Travel Limited
- 374. Palumbo Malta Shipyard Limited
- 375. Palumbo Shipyard Limited
- 376. Paul, Weiss, Rifkind, Wharton & Garrison LLP
- 377. Pegg, Allen P. (Hogan Lovells US LLP)
- 378. Pettlier, Romain Le
- 379. Piccapietra Finance S.r.l.
- 380. Ponce, Scott D. (Holland & Knight LLP)
- 381. Prestige Cruise Holdings S. de R.L. (formerly Prestige Cruise Holdings, Inc.)
- 382. Prestige Cruise Services LLC
- 383. Prestige Cruises Air Services, Inc.
- 384. Prestige Cruises International S. de R.L. (formerly Prestige Cruises International, Inc.)
- 385. Prestige Cruises Management S.A.M.
- 386. Prestige Cruises N.V.

- 387. Preziosa Cruise Limited
- 388. Pride of America Ship Holding, LLC
- 389. Pride of Hawaii, LLC
- 390. Princess Bermuda Holdings, Ltd.
- 391. Princess Cays Ltd.
- 392. Princess Cruise Corporation Inc.
- 393. Princess Cruise Lines, Ltd.
- 394. Princess Cruises and Tours, Inc.
- 395. Princess U.S. Holdings, Inc.
- 396. Proctor, Ryan M., Counsel for Amicus Curiae Peter Kucik
- 397. Quantum of the Seas Inc.
- 398. Quinn Emanuel Urquhart & Sullivan, LLP
- 399. Radiance of the Seas Inc.
- 400. RCI Holdings LLC RCL (UK) Ltd.
- 401. RCL Cruise Holdings LLC
- 402. RCL Cruises Ltd.
- 403. RCL GEO LLC
- 404. RCL Holdings Cooperatief U.A.
- 405. RCL Horizon LLC
- 406. RCL Investments Ltd.



- 407. RCL Monarch LLC
- 408. RCL New Vessel Holding Company LLC
- 409. RCL Sovereign LLC
- 410. RCL TUI Cruises German Holding GmbH & Co. KG
- 411. RCL Worldwide (Hong Kong) Limited
- 412. RCL Worldwide Ltd.
- 413. RCL Zenith LLC
- 414. RCT Maintenance & Related Services S.A.
- 415. RCT Pilots & Related Services, S.A.
- 416. RCT Security & Related Services S.A.
- 417. Regatta Acquisition, LLC
- 418. Rhapsody of the Seas Inc.
- 419. Rider-Longmaid, Parker, Counsel for Amicus Curiae Cruise Lines  
International Association
- 420. Riviera New Build, LLC
- 421. Roatan Cruise Terminal S.A. de C.V.
- 422. Rosenkranz, E. Joshua (Orrick, Herrington & Sutcliffe LLP)
- 423. Rowen, Matthew D. (Clement & Murphy, PLLC)
- 424. Royal Caribbean Cruise Lines AS
- 425. Royal Caribbean Cruises (Asia) Pte. Ltd.

- 426. Royal Caribbean Cruises Services (China) Company Limited
- 427. Royal Caribbean Cruises, Ltd. (RCL)
- 428. Royal Hyway Tours, Inc.
- 429. Saieh, Sabrina S. (Colson Hicks Eidson, P.A.)
- 430. Saladrigas, Caitlin F. (Holland & Knight)
- 431. Santa Cruz Terminal, S.L.
- 432. Schultz, Meredith L. (Boies Schiller Flexner LLP)
- 433. Seabourn Cruise Line Limited
- 434. Seahawk One, Ltd.
- 435. Seahawk Two, Ltd.
- 436. SeaVacations Limited
- 437. SeaVacations UK Limited
- 438. Serenade of the Seas Inc.
- 439. Seven Seas Cruises S. De R.L., d/b/a Regent Seven Seas Cruises
- 440. SG Cruises GmbH
- 441. SG Expeditions Cyprus Limited
- 442. SG Expeditions SAGL
- 443. Shaffer, Derek L. (Quinn Emanuel Urquhart & Sullivan, LLP)
- 444. Shanghai Coast Cruise Consulting Co. Lda

- 445. Shanmugam, Kannon S. (Paul, Weiss, Rifkind, Wharton & Garrison  
LLP)
- 446. Ship Care (Bahamas) Limited
- 447. Skadden, Arps, Slate, Meagher & Flom, LLP, Counsel for Amicus  
Curiae Cruise Lines International Association
- 448. Silver Cloud Shipping Co. Ltd.
- 449. Silver Muse Shipping Co. Ltd.
- 450. Silver Shadow Shipping Co. Ltd.
- 451. Silver Spirit Shipping Co. Ltd.
- 452. Silver Wind Shipping Ltd.
- 453. Silversea Cruise Finance Ltd.
- 454. Silversea Cruise Holding Ltd.
- 455. Silversea Cruises (Europe) Ltd.
- 456. Silversea Cruises (UK) Ltd.
- 457. Silversea Cruises Australia Pty. Ltd.
- 458. Silversea Cruises Canada Ltd.
- 459. Silversea Cruises Ltd.
- 460. Silversea Cruises South Africa Pty. Ltd.
- 461. Silversea New Build Seven Ltd.
- 462. Silversea RCL Holdings LLC

- 463. Silversea SAM
- 464. Singer, Stuart H. (Boies Schiller Flexner LLP)
- 465. Sirena Acquisition
- 466. Sitmar Cruises Inc.
- 467. Sixthman Ltd.
- 468. SNC Fantasia Bail
- 469. SNC Splendida Bail
- 470. Societe Labadee Nord, S.A.
- 471. Spanish Cruise Services N.V.
- 472. Spectrum of the Seas Inc.
- 473. Spezia & Carrara Cruise Terminal Srl
- 474. Spohrer Dodd Trial Attorneys
- 475. SSC Finance Corp.
- 476. Sullivan, Kathleen M. (Quinn Emanuel Urquhart & Sullivan, LLP)
- 477. Summit Inc.
- 478. Sun Princess II Limited
- 479. Sun Princess Limited
- 480. Sunshine Shipping Corporation Ltd.
- 481. Super, John (Quinn Emanuel Urquhart & Sullivan, LLP)
- 482. Symphony of the Seas Inc.

- 483. Stander, Robert N., Counsel for Amicus Curiae Peter Kucik
- 484. T&T International, Inc.
- 485. Tager, Evan M., Counsel for Amicus Curiae Chamber of Commerce of  
the United States of America
- 486. Taormina, Benjamin A. (Holland & Knight LLP)
- 487. Terminal De Cruceros Punta Del Este SA
- 488. Torcatt Enterprises Limitada
- 489. Tour Alaska, LLC
- 490. Transnational Services Corporation
- 491. Tribe, Laurence H. (Harvard Law School)
- 492. Trident Insurance Company Ltd.
- 493. Trieste Adriatic Maritime Initiatives Srl
- 494. U.S. Travel Association, *Amicus Curiae*
- 495. United States Tour Operators Association Inc., *Amicus Curiae*
- 496. Venable LLP
- 497. Venezia Investimenti Srl
- 498. Vice, Abigail Frisch (Paul, Weiss, Rifkind, Wharton & Garrison LLP)
- 499. Vision of the Seas Inc.
- 500. Voyager of the Seas Inc.
- 501. Voyager Vessel Company, LLC

- 502. Wang, Jonas Q. (Orrick, Herrington & Sutcliffe LLP)
- 503. West Sicily Gates Srl
- 504. Westmark Hotels of Canada, Ltd.
- 505. Westmark Hotels, Inc.
- 506. Whisper SpA
- 507. Whitaker, Walter H.
- 508. White Sand Inc.
- 509. World Leading Cruise Management (Shanghai) Co., Ltd.
- 510. XP Tours S.A.

**Corporate Disclosure.** Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rules 26.1-1, 26.1-2, & 26.1-3, Norwegian, Royal Caribbean, MSC, and Carnival respectfully submit that the Corporate Disclosure Statements included in the Opening Briefs (11th Cir. Case No. 23-10171, Dkts. 79 & 80) remain true and correct.

January 7, 2025

/s/Paul D. Clement

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Defendants-Appellants Royal Caribbean Cruises, Ltd., Norwegian Cruise Line Holdings Ltd., Carnival Corporation, MSC Cruises S.A. Co., MSC Cruises (USA), Inc., and MSC Cruises, S.A. (collectively, “the Cruise Lines”) respectfully submit this joint opposition to Havana Docks Corporation (“HDC”)’s motion for an order granting or confirming the district court’s discretion to address on remand costs taxable in the district court under Federal Rule of Appellate Procedure 39(e). *See* Doc. 167 (“Mot.”). That motion should be denied for multiple reasons. As an initial matter, this Court has already determined, without objection by HDC, that the Cruise Lines are entitled to costs under Federal Rule of Appellate Procedure 39(a), which includes bond premiums under Rule 39(e)(3). That leaves no discretion to allocate. In any event, HDC provides no reason for this Court to revisit its award of costs—including bond premiums—to the Cruise Lines.

### ARGUMENT

“Rule 39 creates a cohesive scheme for taxing appellate costs.” *San Antonio v. Hotels.com, L.P.*, 593 U.S. 330, 336 (2021). Subsection (a) “sets out default rules” for taxing costs “geared to ... potential outcomes of an appeal,” while also giving the court of appeals discretion to “divide up the costs as it deems appropriate.” *Id.*; *see* Fed. R. App. P. 39(a). Subsection (e) provides that “the party entitled to costs under th[e] rule” may tax specified costs “in the district court,” including “premiums paid for a bond or other security to preserve rights pending appeal.” Fed. R. App. P.

39(e)(3). The Supreme Court recently addressed the interaction between Subsections (a) and (e) in *Hotels.com*. As relevant here, the Court explained that, “if a party is awarded costs” by a court of appeals “under subdivision (a), it is ‘entitled’ to ... costs” under Subsection (e)—“*i.e.*, has a right to obtain them and not merely to seek them—when a proper application is made in the district court.” 593 U.S. at 338. Rule 39 thus “gives discretion over the allocation of appellate costs”—including bond premiums and other costs enumerated in Subsection (e)—“to the courts of appeals.” *Id.*

This Court has already exercised that discretion in this case. Per the clerk’s cover letter accompanying the opinion, “[c]osts are taxed against [HDC].” Dkt. 75-2 at 1. Notably, HDC did *not* object to that determination; nor did it object to the Cruise Lines’ bills of costs submitted pursuant thereto within the 14-day deadline. *See* Fed. R. App. P. 39(d)(2). Under Rule 39 as construed by the Supreme Court in *Hotels.com*, this Court’s determination to “tax[] [costs] against [HDC]” resolves the question whether bond premiums are taxed against HDC: Because this Court awarded “costs” to the Cruise Lines under Rule 39(a), the Cruise Lines are now legally “entitled” to collect the bond premiums in the district court, and the district court lacks discretion to rule otherwise. Fed. R. App. P. 39(e); *see Hotels.com*, 593 U.S. at 335, 338-40 (holding district court lacked discretion over award of supersedeas bond premiums after prevailing parties “filed a bill of costs with the



Circuit Clerk and requested \$905.60 to cover the appellate docket fee and the cost of printing their briefs and appendix,” and “[t]hese items were taxed without objection” before the court of appeals (citation omitted)).

HDC steers a circuitous course around that straightforward analysis, en route to asking this Court to “grant[]” or “confirm[]” that the district court has discretion to address the recovery of the bond premiums on remand. Mot. 1. But that request rests on the mistaken premise that, at this juncture, there is discretion left to allocate to the district court on that issue. In fact, no such discretion persists. As just explained, this Court already decided to tax costs against HDC, without objection by HDC. Dkt. 75-2 at 1. And *Hotels.com* squarely holds that, once a court of appeals has made that determination, a “district court[] cannot alter” it. 593 U.S. at 340; *see id.* at 336 (similar); *see also id.* at 338 (“[T]he court of appeals’ determination that a party is ‘entitled’ to costs would mean little if ... the district court could take a second look at the equities.”).<sup>1</sup>

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<sup>1</sup> To the extent HDC relies on an unpublished decision predating *Hotels.com*, *Campbell v. Rainbow City*, 209 F. App’x 873 (11th Cir. 2006), as suggesting otherwise, *Hotels.com* has overruled it. *Compare Campbell*, 209 F. App’x at 875 (reasoning that “[t]he language of 39(e) is permissive, not mandatory,” because it “provides that the enumerated costs ‘are taxable,’ not that they ‘must be taxed’”), *with Hotels.com*, 593 U.S. at 338-40 (concluding that “San Antonio reads too much into the term ‘taxable,’” and rejecting argument that Rule 39(e) is permissive).

What HDC seems to be urging, in substance, is for this Court to *revisit* the question whether to tax costs, vacate its prior resolution of that issue, and delegate the matter to the district court—at least as to the taxability of bond premiums. But having failed to timely “raise[] [its] arguments through other procedural vehicles, including merits briefing, objections to a bill of costs, and [its] petition[] for rehearing,” *Hotels.com*, 593 U.S. at 344 (citations omitted), HDC’s present motion under Rule 27 is too little, too late for seeking reconsideration of this Court’s decision. *See id.* (recognizing that a Rule 27 motion could be appropriate “to *seek* an order under Rule 39(a),” not to *revisit* an order under the rule (emphasis added)). Indeed, were it otherwise, any litigant could simply bypass the proper and ample opportunities for raising its argument only to, as here, press the argument in a belated motion after this Court has already awarded—and approved—costs.

Tellingly, HDC does not explain why this issue should be revisited now weeks after it did not object to the taxation of costs. This Court can and should simply reject the belated efforts to revisit the issue as both out of time and as inconsistent with HDC’s own decision not to object to the taxation of costs.

In any event, HDC’s equitable arguments are without merit. HDC argues that the district court is better positioned to weigh its “equitable arguments”—particularly its critique of the Cruise Lines for posting security bonds, after HDC refused to waive the bond requirement to stay enforcement during the appeal. Mot.

4-5. The Supreme Court rejected that same line of argument in *Hotels.com*, however, where a losing appellee complained that the winning appellant “should have pursued alternatives to a supersedeas bond and that it was unfair for [the appellee] to bear the costs” of the bond premium. 593 U.S. at 335; *see id.* at 341-42 (discussing the argument that “taxing costs against [a losing appellee] would be unjust because of its precarious financial position”). The Court rejected the claim that “district courts are better able to resolve” such arguments as a reason for departing from the rule that appellate courts retain the discretion to determine the allocation of costs. *Id.* at 341-42.

The same reasoning applies here, and nothing about HDC’s “equitable” arguments supports a different cost allocation. Although HDC now faults the Cruise Lines for not proposing a non-bond alternative to stay execution of the judgment pending appeal, these well-capitalized Cruise Lines *did* seek such an alternative: They asked “the district court to stay the execution of the judgments without a bond.” Mot. 2 (citing 1:19-cv-23591-BB Dkt. (“D. Ct. Dkt.”) 488). Accepting that proposal would have eliminated any risk that HDC would be required to reimburse bond premiums if it lost on appeal, in the face of multiple legal issues with obvious appellate exposure. Especially given that the Cruise Lines are well-established companies with ample assets, HDC had full assurance that it would be able to collect on any persisting judgment that might be affirmed. D. Ct. Dkt. 455 at 5-11.

Nevertheless, HDC *opposed* the Cruise Lines' proposal to stay execution of the judgment without a bond, D. Ct. Dkt. 467, even after the Cruise Lines warned that bond premiums could run into the millions of dollars, D. Ct. Dkt. 455 at 11-12; D. Ct. Dkt. 484 at 13-14.

HDC thus made a strategic choice in opposing the request to stay the judgment without a bond. And that strategic choice necessarily carried substantial costs in the form of bond premiums—premiums that the Cruise Lines expressly brought to HDC's attention before the Cruise Lines proceeded to incur them in the first instance. Far from being inequitable, holding HDC to the same consequences that any plaintiff-appellee would properly bear in the ordinary course adheres to the prescribed rule, while maintaining accountability and proper incentives. Indeed, HDC's attempted enlistment of this Court to resolve its belated dispute over bonding invites perversity: Considering that HDC was expressly on notice that the Cruise Lines stood to incur bond premiums that would be subject to cost-shifting, it is all the more equitable to hold HDC to the normal rule. Otherwise, a judgment-holder in HDC's position would have every incentive to weaponize bond premiums, forcing corporate defendants to incur them unnecessarily while counting on HDC's instant arguments to ward off exposure to shifting.

Nor is there merit in HDC's after-the-fact suggestion that the Cruise Lines should have obtained some form of security other than a bond. Mot. 2-4. As an

initial matter, Federal Rule of Civil Procedure 62(b) provides that “a party may obtain a stay by providing a bond.” The Cruise Lines cannot fairly be faulted for pursuing the form of security expressly contemplated by that rule. Moreover, the district court (whose string of rulings had not been favorable to the Cruise Lines) stated that it would accept an “alternative form of security” only to the extent “agreed to by the parties,” D. Ct. Dkt. 488 at 13, and HDC never indicated (prior to its instant bid to avoid cost-shifting) that it would agree to anything short of a bond. In any event, a prevailing appellant can recover “premiums paid for a bond *or other security to preserve rights pending appeal.*” Fed. R. App. P. 39(e)(3) (emphasis added). HDC provides no support for its implicit assumption that the costs of an alternative security would have been less than the bond premiums.

At bottom, the equities do not support reconsidering this Court’s earlier decision to tax costs. HDC went into this appeal with its eyes wide open about “the magnitude of the costs at issue,”—costs stemming from bonds that were “approved by the district court.” *Hotels.com*, 593 U.S. at 342. If those costs were potentially concerning to HDC, it could have readily and sensibly avoided them by accepting the Cruise Lines’ proposal to proceed without a bond. To the extent HDC now regrets its “calculated business risk,” it has “only [itself] to blame.” HDC Merits Br. 1, 4.

## CONCLUSION

For the above reasons, this Court should deny HDC's motion.

Respectfully submitted,

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January 7, 2025

### **CERTIFICATE OF COMPLIANCE**

In accordance with Federal Rules of Appellate Procedure 27(d)(1)(E), 27(d)(2)(A), and 32(g)(1), I certify that the foregoing motion is proportionately spaced using 14-point Times New Roman font and contains 1,790 words, excluding the parts of the motion exempted from length limits by Rules 27(d)(2) and 32(f).

January 7, 2025

/s/ Derek L. Shaffer  
Derek L. Shaffer



### **CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Derek L. Shaffer  
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